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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/664,332	09/18/2000	Noriya Hayashi	001195	4422

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EXAMINER

SELLERS, ROBERT E

ART UNIT	PAPER NUMBER
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1712

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/664,332

Applicant(s)

HAYASHI, NORIYA

Examiner

Robert Sellers

Art Unit

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See the attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-3, 6-8, 10, 12, 22, 27 and 28.Claim(s) withdrawn from consideration: 8, 7-19, 21 and 23-26.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Robert Sellers
Primary Examiner
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1. Claim 28 has been indicated as being rejected instead of withdrawn.
2. The teachings of a reference are not negated merely because a disclosed feature is not exemplified. Hamazu et al. Patent No. 5, 359,017 (col. 5, line 14) discloses an acid anhydride. Buchwalter et al. Patent No. 5,879,859 sets forth a calculated molar ratio of acid anhydride:diepoxide of 0.93:1. Starkey Patent No. 5,384,339 espouses a calculated molar ratio of maleic anhydride (the elected species to 3,4-epoxycyclohexylmethyl-3,4-epoxycyclohexane carboxylate (the elected species) of 0.32:1 (See the Final rejection mailed July 24, 2003, page 3 for the calculations). Both of these molar ratios are within the claimed range of from 0.3:1 to 1.4:1.
3. It would have been obvious to employ the anhydride curing agent of Hamazu et al. as well as Green Patent No. 4,252,952 within the molar ratios of Starkey and Buchwalter et al. of from 0.32:1 to 0.93:1 in order to complete the curing of the epoxy resin and to attain sufficient strength without crystal precipitation or decreased stability (Starkey, col. 21, lines 17-23).
4. The use of the onium stabilizer in Hamazu et al. does not conflict with the enhanced curability imparted by the elected species of benzyl-4-hydroxyphenylsulfonium hexafluoroantimonate (col. 3, lines 29-30). The stabilizer provides excellent storage stability and pot life prior to cure while the sulfonium salt catalyst and acid anhydride permits curing in a short time by irradiation or heat treatment (col. 29, lines 52-61).

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5. The claims are directed to a composition comprising a photopolymerizable resin, a photopolymerization initiator and an acid anhydride "which ***makes it possible*** to cure by chain reaction said photopolymerization resin component with irradiation of an energy ray (claim 1, lines 3-4) [emphasis added]." The references are drawn to equivalent formulations containing equivalent components which are cured by irradiation. The mechanism of cure by chain reaction is merely a "possible" means of curing and is not an affirmative declaration of how the blend is cured. Based on the irradiation curing of the equivalent components in the patents, the prior art curing is also possibly cured by chain reaction.

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8/24/04